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## TAUNTON PLANNING BOARD MINUTES

Meeting held at 15 Summer Street

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DATE: December 2, 2021

BOARD MEMBERS: Anthony Abreau, Chairman Arthur Lopes  
Bob Campbell, Vice Chairman John Reardon  
Manuel Spencer, Clerk Dennis I. Ackerman  
Brian Carr

ADVISORS:

Michael Patneaude, City Engineer  
Kevin Scanlon, City Planner

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Roll Call: Ackerman, Reardon, Spencer, Lopes, Carr, and Abreau present.

Meeting opens at 5:33 PM Campbell present at 5:58 PM

Chairman Abreau had a moment of silence for former Planning Board Member Peter Corr who passed away this week.

**Arthur made motion to accept of minutes October 7, 2021, seconded by Manny. All in favor**

**Cont'd. Public Hearing – 19 Ingell St. - A Special Permit from Section 440 Attachment # 1 of the Zoning Ordinance for the division of lot into two lots with a Special Permit for a triplex on each lot (total 6 units)**

Requesting to withdraw petition.

Motion made and seconded to grant petition to be withdrawn. All in favor.

Petition withdrawn.

**Cont'd. Public Hearing – Special Permit – 175 South Walker St – for A Special Permit/Site Plan Review from Section 440 Attachment #1 of the Zoning Ordinance for the construction of two mixed use buildings - Bldg. #1 having 14 residential units & 3,400 sq. ft. commercial space and Bldg.. #2 having 17 residential units with 2,000 sq. ft. commercial use, submitted by 175 South Walker Street, LLC - REQUESTING A CONTINUANCE TO January 6, 2022 MEETING**

Motion made and seconded to grant a continuance to January. All in favor.

**Letter from Malloch Construction – relative to Titus Way – Hart St.- switching from underground utilities to above utilities .**

Atty. Edmund Brennan and Carl Malloch, Jr. were invited into the enclosure. Atty. Brennan stated they were here in October informing the Board that they would like to switch from underground utilities to above ground due to the landscaping they will be putting in to satisfy the neighbors. The Board approve the subdivision with a condition requiring some landscaping. After that abutters reach out to them asking for some landscaping. So they are proposing another 300 feet of landscaping along the abutters property line and will also add 2 trees on each lot. They are proposing adding 9 more trees along the Eric Amaral property line. Atty. Brennan stated the landscaping is a considerable investment so they are asking to be allowed to put overhead utilities instead of underground. They will actually put in Colorado blue spruce trees (about

\$500 per tree so as a tradeoff they would rather put above ground utilities. Letter from Edward & Gail Medas, 89 Johnson St. in favor of trees. Eric Amaral is in back and abut the first 2 lots and there is an area along the rear property line they will be adding blue spruces. Brian asked why the change and Carl said after the meeting they were approached by neighbors about more landscaping. They would rather see trees which will screen the utility poles. He will be spending about \$30,000 on trees. Atty. Brennan explained the original approval had condition of landscaping. So now they will be extending the tree line. Arthur asked what size poles will they be installing because he has seen taller ones which could be a safety issue if they fall. Carl said it's whatever the TMLP requires.

**John made motion to allow poles and overhead wires rather underground utilities in the Hart Street Estates subdivision (Titus Way). The Board voted in favor to allow the change provided the developer adhered to conditions # 20 and # 21 in the Certificate of Action dated June 22, 2021, and add nine (9) 5-6 foot arbovitae along the lot at 110 Hart St (Eric and Patricia Amaral) and 30 more 5-6 foot evergreens spaced 10 feet apart along the easterly line of the subdivision up to and including the lot at 89 Johnson Street ( Edward and Gail Medas). The developer will also plant 2 sugar maples or similar species on each lot in the subdivision. Seconded by Manny. All in favor**

**Cont'd. Public Hearing – Special Permit – 175 South Walker St – Special Permit/Site Plan Review from Section 440 Attachment #1 of the Zoning Ordinance for the construction of 4 mixed use buildings - Each building to have 5 residential units with one commercial/office space (Totaling 20 residential units with 4 commercial/office space ) submitted by 175 South Walker Street, LLC –**

**Requesting a continuance to Jan. 6, 2022**

**Motion made and seconded to grant continuance to January 6, 2022, All in favor.**

**Petition continued.**

**Brian's Way - Lot releases – request to release lots 1 & 2 – holding 0 surety**

Justin Whitney & Kevin Wells invited into the enclosure. Dept. comments from the City Planner, City Engineer and outside consultant were read into the record.

**Manny made motion release lots 1 & 2 upon receipt of \$44,286 of acceptable surety. Seconded by John. All in favor.**

**Dora Estates – Lot Release – request to release 5 lots – holding 0 surety**

Atty. Brianna Correia was invited into the enclosure. Dept. comments from the City Planner, City Engineer and outside consultant were read into the record. Atty. Correia stated they recorded a new covenant to replace the old one. They had a modification in August and received approval and recorded the new plans and a new covenant. So she is requesting the Board to release all of the lots under the old covenant and her 2<sup>nd</sup> request is to release 5 lots. She is proposing posting a bond in the amount of \$137,500 per the City Planner's & City Engineer's recommendations. Brian asked if the Board typically releases lots when no binder course down as it was mentioned in the City Planner's letter. Chairman Abreau stated it has been the Board's policy to typically only release lots when there is binder course down. Atty. Correia informed the Board the binder course is down. Brian stated he just wanted to make sure the City is protected. Brian suggested the Board have a future discussion with the City Planner on this. Brian states they work for the city and he wants to be fair to everyone, the city and the developer.

**John made motion to release lot 1-5 upon receipt of \$137,500 of acceptable surety, seconded by Brian. All in favor.**

**John made motion to release all lots from original covenant, seconded by Manny. All in favor.**

**Public Hearing – Mod. of Bella Rose Subdivision - Modification is to allow private wells and septic systems on the proposed 9 residential lots, and to allow individual 13-D sprinkler systems for each dwelling within the subdivision as an alternative fire protection method as req'd. per City of Taunton subdivision reg. 316, A 7 fire protection requirements, located on Fisher Street, property I.D. 75-22,**

Hearing opens at 5:58 PM. Roll Call: Ackerman, Reardon, Spencer, Lopes, Carr, Abreau and Campbell. Department comments were read into the record from Conservation Commission, City Engineer, Water Dept., B.O.H, and City Planner. John DeSousa, NorthCounty Group was invited into the enclosure. He stated he is proposing a minor modification because they ran into ledge and now they wish to have private wells and septic systems instead of municipal water & sewer. They did some blasting in front and along the cul-de-sac. The developed incurred the expense of blasting and now wants to put well and septic systems rather than continuing to blast. John stated there are conflicting reports on whether there is an 8" water main or a 6" water main. If there is an 8" then they have no problem tapping into that. The DPW does not allow tapping into a 6" water main for supply lines. They conducted perc test and all are on record at B.O.H. The best perc rate was 2 minutes per inch and worst one was 23 mins. per inch. He has provided the location of the percs on the plans. He had a conversation with the Fire Dept. about fire protection because cysteine are not allowed. They are proposing each house have 13D sprinkler systems which is allowed by the Fire Dept. There will be a 300 – 600 gallon water tank in the basement (based on size of house) to work as a sprinkler system. They will also have a generator for backup. This type of services is called the orange pipe sprinkler system. Manny asked if you have to put all this in why are you even building out there? There is city water in front and under Title V you have to use the more restrictive one relative to the perc rates. Manny stated the approval requires the subdivision have city water & sewer. Manny does not feel comfortable with the proposal. He would prefer city water & sewer which will benefit the residents. John stated they are proposing a generator which is not a requirement. Brian said he see some issues with this with anyone trying to get a mortgage or insurance. John stated it's actually less costly because you have a sprinkler in the house. Brian asked what if fire starts next to tank? John D. stated if the DPW can positively say there is an 8" water line out there they will tie into that. They would need to dig hole to see for sure. Chairman Abreau stated they have new water supervisor now and there are conflicting report on 6 " or 8" water main.. In 2004 it was reported there was an 8" water main? Chairman Abreau stated they should dig and see what they have because he would at least like to see city water at this project. If no water it could cause high insurance premiums. John stated his past experience the insurance rates is less. Bob stated the subdivision was designed with having city water and sewer because they are available. He stated they provide it by an extension and for 9 house lots it would certainly support it. John stated the sewer is about 900 to 1,000 feet away. Bob asked what are the notations on the test pits? John D. answers they ran into a lot of rocks and the machine could not move rocks. They found ledge at the cul-de-sac and in the middle and crest of the road (around station 200) There was discussion on whether the City would allow tapping into a 6" main and Chairman Abreau it's the city's policy not to allow it. He stated when Cathal O'Brien was here he said they could pull it from the bridge or North Walker Street. John D. sated if the Board asked for a waiver from DPW to allow 6" pipe. Public Input: Winthrop Richardson, 130 Fisher St. the pipe was put in in 1913 and about 10 years ago the City put new water line in and now here we are again? What has changed since then? He stated the reason this property has not been developed is because of the sewer. He remembers when Charlie Thayer was required to put in sewer but that never happened. He stated there are too many issues with this project. John Lopes, 115 Fisher St. also stated City put in french drains and he wants to know where does the water go? Chairman Abreau stated that when a subdivision is approved by the Board an outside consultant is hired to oversee the project. There are inspections conducted and reports filed. It was stated the project is under construction now so the drainage system is not operating now. He stated the other developer was supposed to put sidewalks in along Fisher Street. It is dangerous people have hit telephone poles.

**Bob made motion to not approve the elimination of water in the subdivision. Seconded by John.**

**Vote: Campbell, Abreau, Reardon, Spencer, Lopes, Carr....Yes**

**Ackerman. ....No**

**Motion passed. Subdivision Must have City Water..**

**Bob made motion to allow on-site septic systems in subdivision. Seconded by Brian.**

**Vote: Carr, Ackerman, Campbell, Lopes, Abreau...Yes**

**Spencer.....No**

**Motion passed. Septic systems allowed in subdivision.**

**Site Plan Review – 1765 Bay Street - to allow a portion of the existing paved /gravel area parking and storage area to be used for outdoor commercial storage (42,660 sq. ft) submitted by Richard Mellon.**

Department comment from DIRB, Conservation Commission, City Engineer, Water Dept, and Veolia Water, which were placed on record. John Michaud, P.E. Farland Corp. was invited into the enclosure. The applicant, Mr. Mellon wishes to enclose a portion of the existing gravel area with fencing on his property to be used for outdoor commercial storage. He received ZBA approval because this was a pre-existing non-conforming use. The Board knew this site to be the old turkey auction site. Mr. Michaud stated he will comply with the City Engineer's letter in regards to agitating the milling. It was asked how many RVs can fit in this area which is about an acre. Mr. Michaud didn't have the exact number but said they would need to be able to move so need to leave some room around them. There will be no one living in the RV on site. Brian asked if anyone has any issues at the ZBA meeting. There were a few in favor and once they head the project and scope they were fine with it. Public Input: No one in favor or against.

Brian made motion to approve the Site Plan Review with dept. comments, seconded by Manny.

**Condition #1) That the plans dated August 23, 2021 shall govern with the following additional conditions;**

**Condition #2) Lighting shall not illuminate any portion of abutting properties**

**Condition #3) The site shall be kept clean and clear of debris outside of the fenced area**

**Condition #4) Two sets of as-builts shall be submitted upon occupancy for all work on site and shall include design engineer and land surveyor certification notes stating the development has been built according to the approved plans. Plans will show all construction of buildings, utilities, grades, setbacks etc**

**Condition #5) Two sets of updated plans shall be provided that conforms to this decision prior to Building permit**

**Condition #6) Compliance with ZBA Case #3642 and the conditions contained therein**

**Condition #7) Storage shall be confined to the defined fenced area only at all times**

**Condition #8) Remove plus and minus from lot area**

**Condition #9) Show all doors on the plans**

**Condition #10) Show the septic on the plans**

**Condition #11) Agitate the millings annually to prevent compaction**

<b>Vote:</b>	<b>7 In Favor</b>
<b>Anthony Abreau</b>	<b>YES</b>
<b>Robert Campbell</b>	<b>YES</b>
<b>John Reardon</b>	<b>YES</b>
<b>Arthur Lopes</b>	<b>YES</b>
<b>Manuel Spencer</b>	<b>YES</b>
<b>Dennis Ackerman</b>	<b>YES</b>
<b>Brian Carr</b>	<b>YES</b>

**Special Permit - 215 High St. - 22 unit multi- family residential use in an Urban Residential District.**  
**Submitted by Gawdat Meawad. Need to forward**

Dept. Comments from Conservation Commission, TMLP, Water Dept., B.O.H., Veolia Water, and City Engineer. Frank Gallagher and Gawdat (Joe) Meawad were invited into the enclosure. Frank stated the property is between Bryan Street and Cushman Street and had a structure on it but had fire so the site now has a garage & gazebo on it. The property consists of 1.1/3 acre in the Urban Residential District. The property is mostly lawn area and has not been maintained with fencing around the property. The proposal is for a 22 unit cluster of condo units (groups of 2-3 units per building). They have provided 2 parking spaces per unit and have a total of 53 parking spaces on site. Frank says they are under the 40% building coverage (have 19%) and under the 75% total lot coverage (have 57%) There will be city water and sewer to service these units. They will have 2 storm water systems and all roofs of buildings will tie into one system and flow into where the central courtyard. There will be a paved parking area with 5 catch basins that will discharge in front of the site. There will be separate water service for each unit and one central mailbox area. They will have pretty extensive landscaping and will have some picnic tables in the recreation area. The building will be wood frame with clapboard siding. They will be 2 stories with a full foundation, 3 bedrooms and 2 ½ bathrooms and approx.. 1,300 sq. ft. Brian asked what is a Bradley head and Frank answers it a 4 x 4 concrete pad with a manhole on top. It's unique southern Mass. Brian asked about the swale and if it will be a permanent thing? Frank said the site is not very steep and they will be building it up. Brian asked how deep the catch basins are and it was answered about 3-4 feet deep. Brian asked if fencing would be around catch basin and it was answered yes. John asked where is the snow area? They will probably put in the the recreation area and to left and right of the entrance. Tony asked when the snow melts was that include in the drainage calculations? Frank's answers no but there is no increase in the rate of runoff from the site. Frank explains the infiltration system and how it flows. Bob asked if part of the site drains to the south? Frank answers yes a small portion of the site still will flow towards the south. Frank stated under the zoning ordinance they are can put 32 units on this site and they are below by 10 units. Frank shows the architect plans which has an unfinished basement. Manny asked if these would be condos or apartments and it was answered condos for sale. There will be a homeowner's association to take care of the maintenance (landscaping and snow plowing, etc.) The Board suggested putting more parking in and Frank said they are required to have a 24 foot wide back up area. Bob stated the city doesn't accept pvc and Frank said the minimum drainage line is 12" with 8 " & 10" pvc and he said this will be private system. Chairman Abreau stated the road was just paved so there is a 5 year moratorium till 2024. They will need to obtain a waiver from Council. Bob stated the property is very flat and may require work to get the right calculations.

**John made motion to forward a positive recommendation to the Municipal Council, include all dept. comments, seconded by Manny. All in favor.**

Brian suggested the Chairman of the ZBA, P.B. and Conservation meet periodically (about every 3 months) or so with the City Planner to go over any issues they have with projects coming up. He stated the Short Street hearing last month he wanted to have the Natural Heritage letter before they voted. He said if they had that he might have been inclined to vote for it.

The Board thanked Arthur for his years of services on the Board and wishes him well. Arthur thanked the administration and Board for their cooperation while he served on the Planning Board for the last 10 years. The Board welcomed new P.B. member Michael Monteiro who will be on the Board in January.

Meeting adjourned at 7:28 PM